

Matthew J Erasquin (SBN 255217)  
**CONSUMER LITIGATION ASSOCIATES, P.C.**  
1800 Diagonal Rd., Ste. 600  
Alexandria, VA 22314  
Tel: 703-273-7770  
Fax: 888-892-3512  
matt@clalegal.com

Leonard A. Bennett, *pro hac vice forthcoming*  
**CONSUMER LITIGATION ASSOCIATES, P.C.**  
763 J. Clyde Morris Blvd., Suite 1-A  
Newport News, VA 23601  
Tel: 757-930-3660  
Fax: 757-257-3450  
lenbennett@clalegal.com

Kristi Cahoon Kelly, *pro hac vice forthcoming*  
**KELLY & CRANDALL, PLC**  
4084 University Drive, Suite 202A  
Fairfax, Virginia 22030  
Tel: 703-424-7576  
Fax: 703-591-9285  
kkelly@kellyandcrandall.com

*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

**BRIDGETTE FULLER, on behalf of  
herself and all others similarly situated,**

**Plaintiff,**

**v.**

**EXPERIAN INFORMATION  
SOLUTIONS, INC.**

**Serve: CT Corporation System  
818 W 7th St., Ste. 930  
Los Angeles, CA 90017**

**Defendant.**

: Civil Action No. \_\_\_\_\_  
:  
: **CLASS ACTION COMPLAINT**  
: **FOR VIOLATIONS OF THE FAIR**  
: **CREDIT REPORTING ACT**  
:  
: (DEMAND FOR JURY TRIAL)  
:  
: CLASS ACTION  
:  
:  
:  
:  
:  
:

1 The Plaintiff, Bridgette Fuller, by counsel, on behalf of herself and all other  
2 similarly situated individuals, alleges as follows:

3  
4 **INTRODUCTION**

5 1. This is a consumer class action brought for a willful violation of the Fair  
6 Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), against Defendant  
7 Experian Information Solutions, Inc. (“Experian”), after Plaintiff obtained a copy of  
8 her Experian consumer report and discovered that Experian inaccurately reported tax  
9 lien information about her.  
10

11  
12 2. Experian uses an automated procedure to gather and report tax lien  
13 information in consumer reports. However, it does not follow similar procedures to  
14 gather updated information after the tax lien has a subsequent disposition—i.e., when  
15 the lien is satisfied or withdrawn. Experian’s failure to timely gather subsequent lien  
16 dispositions is a violation of 15 U.S.C. § 1681e(b) because Experian has not  
17 implemented reasonable procedures (or any procedures whatsoever) to ensure the  
18 maximum possible accuracy in the preparation of the consumer reports containing  
19 this public record information that it furnished regarding Plaintiff and the class  
20 members.  
21

22  
23 3. Plaintiff and each putative class member were the subject of a consumer  
24 report sold to a third party which inaccurately reflected that one or more of their tax  
25 liens was outstanding after it had already been released or withdrawn.  
26  
27  
28

**JURISDICTION**

4. The Court has jurisdiction under the FCRA, 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

5. Venue is proper in this Court under 28 U.S.C. § 1391(b) as Experian regularly conducts business in this district and division.

**PARTIES**

6. Plaintiff Bridgette Fuller (“Ms. Fuller”) is a natural person and a “consumer” as that term is defined by § 1681a(c) of the FCRA.

7. Defendant Experian is a foreign corporation authorized to conduct business in California. It is a “consumer reporting agency” as that term is defined by 15 U.S.C. §1681(f). Experian is regularly engaged in the business of assembling, evaluating, and disbursing information concerning consumers for the purpose of furnishing “consumer reports,” as that term is defined in 15 U.S.C. §1681(d), to third parties.

**FACTS**

8. Experian provided reports about the Plaintiff and each putative class member which contained inaccurate tax lien information.

9. Unlike credit accounts, Experian affirmatively seeks out and purchases public record information, including tax liens, and includes this derogatory information in the consumer reports that it sells. It proactively gathers and

1 disseminates this derogatory information even though there is nothing in the FCRA  
2 that affirmatively requires it to do so.  
3

4 10. Experian has used a series of different vendors over the years.  
5 Originally, these vendors relied on in-person manual reviews of courthouse records to  
6 collect tax lien information. Typically, clerk's offices would make available copies of  
7 termination records—releases and withdrawals. Weekly update reports were made  
8 available. Docket books were examined. A careful, in-person review was conducted.  
9

10 11. However, Experian and its vendors stopped this more careful process  
11 and began collection of tax lien information solely from automated resources.  
12

13 12. After the switch to this automated process, Experian and its vendors  
14 rarely collected any tax lien release or withdrawal information. And the only “in-  
15 person” review of the automated data was attempted only after a consumer made a  
16 formal dispute, and even then, only rarely.  
17

18 13. In short, Experian published tax lien data that it knew would be  
19 inaccurate if a release or withdrawal had occurred—relying on consumers to clean up  
20 their own files via the dispute process after learning of the inaccuracy, rather than  
21 paying to have these “dispositions” collected with the same vigor that it collected  
22 records of the initial entry of the lien.  
23  
24  
25  
26  
27  
28

1           14. Upon information and belief, the methods and processes used by  
2 Experian and its vendor to gather tax lien releases and withdrawals was materially the  
3 same throughout the class period.  
4

5           15. At all times relevant to this Complaint, Experian's conduct regarding the  
6 collection of tax lien release or withdrawal information was willful and carried out in  
7 reckless disregard for a consumer's rights under the FCRA. For example, Experian's  
8 conduct was willful because it was intentionally accomplished through Experian's  
9 intended procedures and because Experian believed that its diligence in collecting  
10 and reporting derogatory information was of greater economic value to its paying  
11 customers than the collection of "disposition" information that demonstrated that the  
12 debt was no longer owed.  
13  
14  
15

16           16. Experian has also been on notice of these issues throughout the  
17 pendency of *Soutter v. Equifax Information Services, LLC*, 3:10-cv-107 (E.D. Va.).  
18 Experian has also been sued for similar conduct in other jurisdictions. *Pumphrey v.*  
19 *Experian Info. Solutions, Inc.*, 3:11-cv-574 (E.D. Va.); *Clark v. Experian Info.*  
20 *Solutions, Inc.*, 3:16-cv-32 (E.D. Va.); *Brown v. Experian Info. Solutions, Inc.*, 3:16-  
21 cv-670 (E.D. Va.).  
22  
23

24           17. At all times relevant to this Complaint, Experian was acting by and  
25 through its agents, servants, and/or employees who were acting within the course and  
26 scope of their agency or employment, and under Experian's direct supervision and  
27  
28

1 control.

2  
3 18. As a result of Experian's conduct, Plaintiff and the putative class members  
4 suffered particularized and concrete injuries, including damages to their reputations,  
5 reductions to their credit scores, and increased risks that they would be denied credit.

6  
7 ***Facts as to Plaintiff Bridgette Fuller***

8 19. On or around September 18, 2006, the Delaware Division of Revenue  
9 filed a tax lien against Ms. Fuller in New Castle Superior Court in New Castle,  
10 Delaware.

11  
12 20. Ms. Fuller's lien was thereafter satisfied and the Delaware Division of  
13 Revenue filed a Notice of Satisfaction in New Castle Superior Court on or around  
14 June 18, 2007.

15  
16 21. Notwithstanding that this Notice was filed on or around June 18, 2007,  
17 Experian nonetheless failed to accurately report the fact that the lien had been  
18 satisfied on one or more consumer reports provided to Ms. Fuller and other third  
19 parties after that date.

20  
21 22. Within the past two years, Experian published Ms. Fuller's consumer  
22 report on at least nine different occasions to multiple third parties.

23  
24 **COUNT ONE:**  
25 **Violation of 15 U.S.C. § 1681e(b)**

26 23. Plaintiff restates each of the allegations in the preceding paragraphs as if  
27 set forth at length herein.

1           24. Plaintiff brings this action individually and as a class action, pursuant to  
2 Rule 23 of the Federal Rules of Civil Procedure, on behalf of the following class:  
3

4           All natural persons who meet every one of the following definitional  
5 requirements:

- 6           a. the Pennsylvania, New Jersey, Delaware, or Virgin Islands court  
7 records show that the person was the subject of a federal or state  
8 tax lien filing;
- 9           b. the court records also show that a release or withdrawal of that tax  
10 lien was subsequently filed;
- 11           c. Experian's records note that a consumer report regarding the  
12 person was published 15 days or more following the date of the  
13 lien release or withdrawal filing, but within two years preceding  
14 the filing date of this Complaint; and
- 15           d. the Experian report contained a record of the tax lien, but did not  
16 also reflect that the tax lien had been released or withdrawn.

17           Subclass 1: The individuals described above who were the subject of  
18 only one or more tax liens that were each withdrawn and  
19 who had no other tax liens in their file;

20           Subclass 2: All individuals who meet the general class definition  
21 criteria, but do not meet the requirements of Subclass 1.

22           25. Numerosity. Fed. R. Civ. P. 23(a)(1). Upon information and belief, the  
23 Plaintiff alleges that the class is so numerous that joinder of all of the class members'  
24 claims is impractical. The class members' names and addresses are identifiable  
25 through Experian's records and publicly available court records, and the class  
26  
27  
28

1 members may be notified of the pendency of this action by published and/or mailed  
2 notice.  
3

4 26. Existence and Predominance of Common Questions of Law and Fact.  
5 Fed. R. Civ. P. 23(a)(2). Common questions of law and fact exist as to all class  
6 members. These questions predominate over the questions affecting only individual  
7 members. These common legal and factual questions include, but are not limited to:  
8

- 9 a. Whether Experian adopted procedures that collected and reported  
10 updates to federal and state tax liens that were less systematic and  
11 effective than those it used to collect and report the underlying tax liens;  
12 b. Whether Experian's uniform procedure (including those of its agent) for  
13 collecting tax lien releases and withdrawals was a reasonable procedure  
14 to ensure maximum possible accuracy in the consumer reports it  
15 furnished;  
16 c. Whether Experian did so recklessly, knowingly, or intentionally in  
17 conscious disregard of the class members' rights; and  
18 d. Whether Experian's conduct violated the FCRA.

19 27. Typicality. Fed. R. Civ. P. 23(a)(3). Plaintiff's claims are typical of the  
20 claims of each class member and the Plaintiff is entitled to relief under the same  
21 cause of action as the other class members. The procedures for both Experian's  
22 consumer reporting and its collection of the tax lien dispositions were the same. The  
23 willfulness evidence is the same. And the time period within which all actions  
24 relevant to this class claim took place is the same.  
25  
26  
27  
28



1           28. Adequacy. Fed. R. Civ. P. 23(a)(4). Plaintiff is an adequate  
2 representative of the class because her interests coincide with, and are not  
3 antagonistic to, the interests of the class members she seeks to represent; she has  
4 retained counsel competent and experienced in such litigation; and she will  
5 vigorously prosecute this action. Plaintiff and her counsel will fairly and adequately  
6 protect the class members' interests.  
7

8           29. Superiority. Fed. R. Civ. P. 23(b)(3). As alleged above, questions of law  
9 and fact common to the class members predominate over questions affecting only  
10 individual members, and a class action is superior to other available methods for fair  
11 and efficient adjudication of the controversy. Further, individual prosecution would  
12 prove burdensome and expensive given the complex and extensive litigation  
13 necessitated by Experian's conduct and the limited availability of legal representation  
14 for such prosecutions. It would be virtually impossible for the class members to  
15 individually and effectively redress the wrongs done to them. Even if the class  
16 members could afford such individual litigation, it would be an unnecessary burden  
17 on the Court. Furthermore, individualized litigation presents a potential for  
18 inconsistent or contradictory judgments and increases the delay and expense to all  
19 parties and to the court system presented by the complex legal and factual issues  
20 raised by Experian's conduct. By contrast, the class action device will result in  
21  
22  
23  
24  
25  
26  
27  
28

1 substantial benefits to the litigants and the Court by allowing the Court to resolve  
2 numerous individual claims based upon a single set of proof in a case.  
3

4 30. Experian violated 15 U.S.C. § 1681e(b) as to the Plaintiff and to the  
5 class by failing to establish or to follow reasonable procedures to assure maximum  
6 possible accuracy in the preparation of the consumer reports it furnished regarding  
7 the Plaintiff and other class members.  
8

9 31. The Plaintiff and each putative class member suffered an actual injury  
10 and loss because of Experian's violation of 15 U.S.C. § 1681e(b).  
11

12 32. For example, the rights at issue were determined by Congress to be  
13 important measures of Experian's process to ensure continued accuracy and  
14 completeness in its files and reports.  
15

16 33. In each instance for the Plaintiff and each class member, their actual  
17 credit reports were materially inaccurate and reported a major derogatory public  
18 record that Experian was legally obligated to correct or omit.  
19

20 34. Experian's violation of 15 U.S.C. § 1681e(b) was willful, rendering it  
21 liable under 15 U.S.C. § 1681n.  
22

23 35. In the alternative, Experian's violation of 15 U.S.C. § 1681e(b) was  
24 negligent, rendering it liable under 15 U.S.C. § 1681o.  
25

26 36. The Plaintiff and each class member are entitled to recover statutory  
27 damages up to \$1,000, punitive damages, costs, and attorney's fees from the Experian  
28

1 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the  
2 alternative, Plaintiff and each class member are entitled to recover their actual  
3 damages pursuant to 15 U.S.C. § 1681o.  
4

5 WHEREFORE, Plaintiff, on behalf of herself and the putative class members,  
6 moves for class certification and for statutory and/or actual damages, punitive  
7 damages, and attorney's fees and costs against the Defendant, as well as any other  
8 relief the Court deems just, equitable, and proper.  
9

10 **TRIAL BY JURY IS DEMANDED.**  
11

12  
13 Respectfully submitted,  
14 **BRIDGETTE FULLER**, *on behalf of*  
15 *herself and all others similarly situated*

16  
17 By /s/ Matthew J. Erausquin  
18 Of Counsel

19 Matthew J. Erausquin (SBN 255217)  
20 matt@clalegal.com  
21 **CONSUMER LITIGATION ASSOCIATES, P.C.**  
22 1800 Diagonal Road, Suite 600  
Alexandria, VA 22314  
Telephone: 703-273-7770  
Facsimile: 888-892-3512

23 *Attorney for Plaintiff*  
24  
25  
26  
27  
28